

REMARKS

This paper is submitted in response to the Office Action mailed on May 4, 2006. Claim 1 has been amended and claims 31-37 have been added. Claims 1-7 and 31-37 now remain in the case. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

In regard to the amendments to the specification, a number of typographical errors were discovered during the preparation of this Response. The typographical errors have been corrected herein. No new matter is being introduced by these amendments to the specification.

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,743,260 to Burton ("Burton"). The Office Action asserts:

Burton discloses a device that is useable for connecting vertebrae comprising a stabilization member (18), a first anchoring member (15) that is capable of extending from the stabilization member (note hole 19, for example), and a second anchoring member (15, opposite the first anchoring member), wherein both are considered unitary in construction, in and of themselves."

(Office Action, p. 2).

Applicants do not fully understand the interpretation in the Office Action in regard to the unitary construction of the device. Prior to this amendment, claim 1 specifically recited "said stabilization member, said first anchoring member, and said second anchoring member being, of unitary construction." In other words, claim 1 recited that these members are formed as one continuous body, and not as separate

components that are coupled together to form the device. To the extent that the Office Action asserts that original Claim 1 required each anchoring member be of a unitary construction and the stabilization member be of a unitary construction, each being separate unitary constructions, the Applicant respectfully disagrees. Claim 1 clearly recited that the stabilization member and the first and second anchoring members taken together are of a unitary construction.

Nevertheless, claim 1 has been amended to more clearly define the invention of claim 1 over Burton as applied in the Office Action by more clearly reciting that the device as a whole is a unitary structure. In particular, claim 1 has been amended to recite "wherein said stabilizing member, said first anchoring member, and said second anchoring member form the unitary device as a single-pieced structure." Thus, the Office Action's interpretation that each component may be separately of a unitary construction no longer holds. Accordingly, Applicant respectfully submits that amended claim 1 overcomes the interpretation suggested by the Office Action and the claim is allowable.

Moreover, as claims 2-7 depend from allowable claim 1, Applicant submits that these claims are allowable at least for the reasons provided above in regard to claim 1.

Claims 31-37 have been added through this Response. Claims 31-37 depend from allowable independent claim 1. Accordingly, Applicant respectfully submits that these claims are allowable at least for the reasons provided above in regard to claim 1.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicant does not believe that any fees are due in connection with this response other than a two-month extension fee. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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